

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHERMANE SMITH, *et al.*,

Plaintiffs,

vs.

CITY OF CHICAGO, *et al.*,

Defendants.

No. 06 C 6423

Judge Elaine E. Bucklo

Magistrate Judge Jeffrey Cole

**PLAINTIFFS' AGREED MOTION
FOR ATTORNEYS' FEES AND COSTS**

Plaintiff Bernice Daniels, as the certified class representative of the class of persons who had or will have their property seized by the Chicago Police Department pursuant to the Drug Asset Forfeiture Procedure Act, respectfully petitions this Court for approval of Class Counsels' fees and costs in the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) from the City of Chicago, and in the amount of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) from the Cook County State's Attorney. In support, Plaintiff states:

1. This Petition is being filed pursuant to the parties' discussions in settlement conferences with Magistrate Judge Cole, in the course of which Plaintiffs and the Defendants reached an agreement to settle Plaintiffs' injunctive class claims. Pursuant to the parties' Settlement agreements, the plaintiff class is a "prevailing party," as that term is used in 42 U.S.C. § 1988, and is entitled to an award of reasonable attorneys' fees for work on the litigation.

2. In the course of this litigation, the Plaintiff Class has been represented by the Law Offices of Thomas Peters, the Mandel Legal Aid Clinic of the University of Chicago Law School, the Law Offices of Mary DeSloover, and Jonathan Brayman (formerly of the Law Offices of Thomas Peters).

3. The Mandel Legal Aid Clinic has reasonably incurred the following fees in representing the Class in the injunctive aspect of this litigation:

a.	Time expended by attorney Craig B. Futterman 378.8 hours at \$350.00 per hour:	\$132,580.00
b.	Time expended by law students 790 hours at \$125.00 per hour:	\$98,750.00
	TOTAL:	\$231,330.00

4. The Law Offices of Thomas Peters have reasonably incurred the following fees in representing the Class in the injunctive aspect of this litigation:

a.	Time expended by attorney Thomas Peters 992 hours at \$400.00 per hour:	\$396,800.00
b.	Time expended by attorney Jonathan Brayman 86.3 hours at \$225 per hour:	\$19,417.50
	TOTAL:	\$416,217.50

5. The Law Offices of Mary DeSloover have reasonably incurred the following fees in representing the Class in the injunctive aspect of this litigation:

a.	Time expended by attorney Mary DeSloover 302 hours at \$300.00 per hour:	\$90,600.00
b.	Time expended by attorney Kevin Peters 136 hours at \$300.00 per hour:	\$40,800.00
	TOTAL:	\$131,400.00

6. Class Counsel have reasonably incurred \$10,400 in out-of-pocket litigation costs.

7. Therefore, the grand total of fees and expenses reasonably incurred by the Class Counsel in representing the Class in the injunctive aspects of this litigation is \$789,347.50.

8. The hourly rates for the plaintiff class attorneys are reasonable; the hours expended, given the complexity of the matter and the difficulty of the litigation, were reasonable; and the expenses incurred were necessary and reasonable.

9. Of the \$789,347.50 in fees and expenses reasonably incurred by the Class Counsel, approximately \$360,000 in fees and expenses were related to the Supreme Court proceedings in which the City of Chicago did not participate. The remaining \$430,000 in reasonable fees and expenses were due to the other aspects of this litigation, in which the City and Cook County State's Attorney jointly participated. After extensive negotiations supervised by the Court, the City agreed to pay and Plaintiffs agreed to accept \$200,000 as the City's share of Plaintiffs' fees—roughly half of the non-Supreme Court fees for which the City and State's Attorney are jointly and severally liable. The State's Attorney agreed to pay and Plaintiffs agreed to accept an additional \$250,000, as the State's Attorney's share of Plaintiffs' reasonable fees and costs. The agreed fees to Class Counsel total \$450,000.

10. Pursuant to the agreement of the parties, the Plaintiffs request an award of attorneys' fees in the amount of \$200,000.00 from the City of Chicago, and an additional award in the amount of \$250,000 from the State's Attorney, to be paid within the 60 days of entry of the Final Judgment and Orders in the manner indicated in the proposed Final Orders.

WHEREFORE, the Plaintiff Class respectfully requests that this Court award reasonable fees and costs from the City of Chicago in the amount of \$200,000.00, and reasonable fees and costs from the Cook County State's Attorney in the amount of \$250,000.

Respectfully submitted,

/s/ Craig B. Futterman
One of Plaintiffs' Attorneys

Craig B. Futterman
Joshua Benesh, Senior Law Student
Christina Prassas, Senior Law Student
EDWIN F. MANDEL LEGAL AID CLINIC
University of Chicago law School
6020 S. University
Chicago, IL 60637
(773) 702-9611

Kevin Peters
Mary DeSloover
Law Offices of Mary DeSloover
53 W. Jackson
Suite 1615
Chicago, Illinois 60604
(312) 697-0022

Jonathan Brayman
Formerly of Law Offices of Thomas Peters
Breen & Pugh
53 W. Jackson Boulevard, Suite 1460
Chicago, IL 60604
(312) 360-1001